

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

JERMAINE WILLIAMS,)	
)	
Petitioner,)	
)	
vs.)	Civil No. 2020-49
)	
PEOPLE OF THE VIRGIN ISLANDS,)	
)	
Respondent.)	
_____)	

REPORT AND RECOMMENDATION

Before the Court is petitioner Jermaine William's "Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody" [ECF 1] and his application to proceed in forma pauperis ("IFP") [ECF 2].¹

On May 25, 2021, the Court issued an order noting that although petitioner filed an IFP application, it did not satisfy the requirements of an application to proceed IFP in federal court. [ECF 7] at 1 (citing 28 U.S.C. § 1915 (requiring the submission of (1) a certified copy of the petitioner's inmate trust account statement for the six-month period prior to filing, obtained from the appropriate prison official where the petitioner is incarcerated; and (2) a signed financial affidavit showing an inability to prepay fees and costs or give security therefor)). Accordingly, the Court gave petitioner until July 19, 2021 to file the appropriate IFP form with documentation regarding his inmate trust account. [ECF 7] at 1. The Court also directed the Clerk to provide the petitioner with another copy of the form (Form VI-AO 240-2254). *Id.* at 2.

¹ The matter was referred to the undersigned for a Report and Recommendation. *See* General Order in Misc. Case 2021-22.

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On July 29, 2021, the Court issued another order. [ECF 9]. After noting that it had not yet received anything from the petitioner, the Court ordered petitioner to either file a motion to proceed IFP with the appropriate supporting documentation or pay the \$5.00 filing fee. *Id.* at 1-2. The Court ordered him to do so no later than September 1, 2021, stating that if he failed to comply, “the matter may be dismissed without further notice to petitioner.” *Id.* at 2. To date, the Court has not received anything from petitioner.

Accordingly, IT IS HEREBY RECOMMENDED that Williams’ petition [ECF 1] and his application to proceed IFP [ECF 2] be DENIED without prejudice.

Any objections to this Report and Recommendation must be filed in writing within 14 days of receipt of this notice. Failure to file objections within the specified time shall bar the aggrieved party from attacking such Report and Recommendation before the assigned District Court Judge. 28 U.S.C. § 636(b)(1); LRCi 72.3.

Dated: September 23, 2021

S_____
RUTH MILLER
United States Magistrate Judge